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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/267,506	03/12/1999	ANTHONY J.P. CAREW	062891.0258	7124

5073 7590 11/20/2003

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EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

12

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/267,506

Applicant(s)

CAREW ET AL.

Examiner

Jungwon Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claim 1 has been amended and claims 1-25 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlosser et al. (US 5,968,122), hereinafter Schlosser, further in view of Wilby et al. (US 5,941,955), hereinafter Wilby.

4. As to claims 1, 9, and 16, Schlosser discloses the invention substantially as claimed, including a method for modeling behavior of elements in a telecommunications network (col. 1, line 61 – col. 2, line 8; col. 3, lines 7-19), comprising:

providing a node representing a network element (TABLE 1; figs. 3-4);

storing in the node a first service state for the node (TABLE 3; col. 7, lines 15-23);

storing in the node a second service state for a first parent node upon which the node is operationally dependent (TABEL 2; col. 5, lines 52-65; col. 8, line 47 – col. 9, line 10);

in response to detecting a triggering occurrence (col. 9, lines 6-10).

5. Schlosser does not specifically disclose dynamically associating a second node with the node; in response to receiving at least one of a new second service state and a new third service state storing in the node a third service state for the second parent node, redetermining at the node the first service state for the node using a state determiner and at least one of the new second service state and the new third service.

6. However, Wilby discloses dynamically associating a second node with the node (81, fig. 8; col. 9, lines 50-53; col. 2, lines 53-58); in response to receiving at least one of a new second service state and a new third service state storing in the node a third service state for the second parent node, redetermining at the node the first service state for the node using a state determiner and at least one of the new second service state and the new third service (col. 9, line 54 – col. 10, line 6; col. 3, lines 39-47).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schlosser and Wilby because Wilby's automatically reconfiguring itself in response to failure would improve the reliability by allowing a child node to reconstruct its information for establishing a new connection to

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another new parent node after failure of old parent node (Wilby, 74, fig. 7; col. 3, lines 39-47; col. 9, lines 21-25 and 46-55).

8. As to claim 2, Schlosser discloses generating the second node in response to a triggering occurrence (col. 9, lines 6-10).

8. As to claims 3, 4, 10, 11, 17, and 18, Schlosser discloses the network element is a first physical element in the telecommunication network, the first parent node represents a second physical element in the network upon which the first physical element is physically dependent (TABLE 1; col. 6, lines 37-50).

9. As to claims 5, 6, 12, 13 and 19, Schlosser discloses determining any child nodes for the node, the child nodes operationally dependent upon the node (col. 6, lines 37-50).

10. As to claims 8, 15, and 21-25, Schlosser discloses the operation state is a composite state including at least one of a broken state, an in-service state, and a maintenance state for the node (col. 6, lines 60-67).

11. As to claims 7, 14 and 20, they are rejected for the same reasons set forth in claims 1, 9, and 16 above.

**Conclusion**

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Sondur et al, patent 6,457,048 B2, Goldman et al, patent 6,628,661 B1, Gosselin et al, patent 6,604,208 B1 disclose spanning tree recovery in computer network.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang  
November 17, 2003

A handwritten signature in black ink, appearing to read "N. El Hadj", with a long, sweeping horizontal stroke at the end.